

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 30, 2003

DIVISION ONE

B148894 ARP Trading, Inc. (Not for Publication)
 v.
 NewLowe Properties, et al.

The judgment notwithstanding the verdict in favor of NewLowe on the issue of punitive damages is affirmed. That portion of the judgment awarding ARP \$213,750 in compensatory damages on its cause of action for interference with prospective business advantage is affirmed. ARP's appeal from the order granting NewLowe a new trial on the issue of punitive damages is dismissed. Each party is to bear its own costs on appeal.

Spencer, P.J.

I concur: Ortega, J.

I concur in the judgment only: Vogel (Miriam A.), J.

DIVISION TWO

B155875 Mezquita (Not for Publication)
 v.
 Hungate

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.

Ashmann-Gerst, J.

DIVISION TWO (Continued)

B159868 Smith (Certified for Publication)
v.
M.D.

Let a writ of mandate issue directing the superior court to set aside its order overruling petitioner's demurrer to real party's complaint for defamation, and issue a new and different order sustaining without leave to amend petitioner's demurrer to the complaint. Petitioner's appeal (B159868) is dismissed. The temporary stay is vacated. Petitioner is awarded the costs of this petition.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

B157739 Lee (Not for Publication)
v.
JBM Mortgage

The order sustaining JBM's demurrer without leave to amend and subsequent order of dismissal are reversed. Lee is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B155446 People (Not for Publication)
v.
Hagemann

The matter is remanded for the limited purpose of permitting the trial court to calculate and award appellant credit for his actual time in custody, including time served in prison and time served in county jail, and to prepare an amended abstract of judgment which also includes the presentence credit previously awarded under section 4019. In all other respects, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

DIVISION TWO (Continued)

[illegible]

The superior court is directed to amend the abstract of judgment to reflect that appellant is awarded 384 actual days and 57 goodtime/worktime days of credit. In all other respects, the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

[illegible]

The judgment is modified by striking the imposition of the \$10,000 section 1202.45 parole revocation restitution fine and by awarding appellant 730 days of section 2900.5 presentence custody credit, in lieu of the previous award of 687 days of presentence custody credit. In all other respects, the judgment is affirmed. The superior court shall cause the abstract of judgment to be amended to reflect these modifications to the judgment. Further, the court shall amend the abstract of judgment to show that, in count 2, the court imposed a section 12022.53, subdivision (c) enhancement, in lieu of an enhancement under subdivision (d) of that section, and that appellant was sentenced in count 2 to a term of life with the possibility of parole, in lieu of a term of 25 years to life. The amended abstract of judgment shall be sent to the California Department of Corrections.

Nott, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

January 30, 2003 (Continued)

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
Ashmann-Gerst, J.

B156431 People (Not for Publication)
v.
McKenzie

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

B160206 D.C.F.S. (Not for Publication)
v.
Curtis P.

The juvenile court's order terminating father's parental rights is affirmed.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
Doi Todd, J.

B157294 D.C.F.S. (Not for Publication)
v.
Diana R.

The orders under review are affirmed.

Boren, P.J.

We concur: Nott, J.
Doi Todd, J.

January 30, 2003 (Continued)

DIVISION TWO (Continued)

B159410 People (Not for Publication)
v.
Guerrero

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

B158446 People (Not for Publication)
v.
Walker

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Ashmann-Gerst, J.

B163335	National Council Against Health Fraud, Inc.
B163337	vs.
B163338	Botanical Laboratories, Inc., et al
B163339	
B163340	Filed order consolidating above captioned appeals.

B159868 Smith
v.
B160628 M.D., et al.

Filed order consolidating above captioned appeals.

DIVISION FOUR

B161616 People (Not for Publication)
v.
Valdez

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B155671 People (Not for Publication)
v.
Thomas et al.

As to appellant Thomas, the judgment is modified (1) to provide that execution of sentence on count 2 is stayed pursuant to section 654, the stay to become permanent upon service of the sentence on count 1, and (2) to strike the second section 667.5, subdivision (b) enhancement. As so modified, the judgment is affirmed. The trial court shall send a corrected abstract of judgment to the Department of Corrections. As to appellant Lahut, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

DIVISION FOUR (Continued)

B160357 Diolazo, A Minor, et al. (Not for Publication)
v.
Tejani, M.D., et al.

The order is reversed. Costs on appeal are awarded to defendants and appellants.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Curry, J.

B153794 Rochin (Not for Publication)
v.
Pat Johnson Manufacturing Company et al.

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B154768 City of West Hollywood (Certified for Publication)
v.
1112 Investment Company, et al.

In regard to the appeal prosecuted by plaintiff, the City of West Hollywood, the summary judgment granted in favor of defendants is reversed and the matter is remanded to the trial court for proceedings consistent with the views expressed herein. The cross-appeal prosecuted by defendants is dismissed as moot. The City of West Hollywood is to recover its costs on the appeal and cross-appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FIVE

B152515 Sonia Cabrera (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B159172 People (Not for Publication)
 v.
 Perez

The trial court's order of restitution is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

DIVISION EIGHT

Court convened at 9:04 A.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B150817 Taghizadeh et al., v. Azadi
B155244 Taghizadeh et a., v. Azadi
B151581 People v. Taplin
B159209 People v. Gutierrez
B160150 DCFS v. Maria J.
B159307 Wilson v. City of Hawthorne

Argument waived, cause submitted.

DIVISION EIGHT (Continued)

B153759 People
 v.
 Davis

Merits:
Argued by Matthew D. Alger for appellant and by Carl N. Henry, Deputy Attorney General for respondent. Cause submitted.

B153106 Embroidery Industries, Inc.
 v.
 LCI Laundry, Inc.

Merits:
Argued by Jeffrey K. Riffer for appellant and by Steven Lamb for respondent. Cause submitted.

B158225 Baron
 v.
 Laemmle, et al.

Merits:
Argued by David Daar for appellant and by Marta M. Fernandez for respondents. Cause submitted.

B152739 Bostanian, et al.
 v.
 Westenberger
 California Fair Plan Association

Merits:
Argued by Herbert Dodell for appellants and by Annabelle Harris and Lisa Cooney for respondents. Cause submitted.

B155653 Williams
 v.
 Vartivarian

Merits:
Argued by Suzanne Rand-Lewis for appellant and by Ruth Graf-Urasaki for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B156345 Huang
 v.
 L.A. Haute, et al.

Merits:
Argued by Alejandro Portales for appellant and by Kenneth P. White for respondents. Cause submitted.

Court adjourned at 11:35 A.M.

Court reconvened at 1:33 P.M.

Present: Cooper, P.J., Rubin, J., Boland, J. and Emma Jean Amos, Deputy Clerk.

B154521 Lerer, et al.
 v.
 Mahaffey, et al.,
 Paladin

Merits:
Argued by John Paladin respondent, in propria persona and by Douglas Collodel for respondents Mahaffey, et al. No appearance by counsel for appellant. Cause submitted.

B161535 In re Allen Raymond Taylor
 on
 Habeas Corpus

Merits:
Argued by Alex Ricciardulli, Deputy Public Defender for petitioner and by Patricia Martinez, Deputy District Attorney for respondent. Cause submitted.

B155369 Thomas
 v.
 Thomas

Merits:
Argued by Michael T. Stoller for appellant and no appearance by counsel for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B162084 Nicolopoulos
 v.
 Superior Court, Los Angeles County
 (Bourgeois, III, r.p.i.)

Merits:
Argued by David B. Owen for petitioner and by Vernon L. Putnam for real party in interest. Cause submitted.

B162200 James R.
 v.
 Superior Court, Los Angeles County
 (DCFS, r.p.i.)

Merits:
Argued by James R. petitioner, in propria persona and by Lisa Proft, Deputy County Counsel for real party in interest . Cause submitted.

B156428 Johnson
 v.
 County Of Los Angeles

Merits:
Argued by Neville M. Tucker for appellant and by Gayle D. Perlo for respondent. Cause submitted.

B154753 People
 v.
 Thorbourn

Merits:
Argued by Matthew G. Monforton, Deputy District Attorney for appellant and by Mark J. Geragos for respondent. Cause submitted.

B157977 Abargil
 v.
 Abargil

Merits:
Argued by Leslie Ellen Shear for appellant and by Honey Kessler Amado for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B155022 Jibilian
 v.
 City of Los Angeles

Oral argument continued to February 27, 2003 at 9:00 a.m.

B154970 Drum
 v.
 Bleau, Fox & Associate

Oral argument continued to February 27, 2003 at 9:00 a.m.

B152609 Butler
 v.
 Bell Helicopter

Oral argument continued to February 27, 2003 at 1:00 p.m.

B148209 Evans, et al.
 v.
 Hensley, et al.

Matter taken off calendar.

Court adjourned at 3:54

B156744 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Shontel S.

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
 Rubin, J.

January 30, 2003 (Continued)

DIVISION EIGHT (Continued)

B156718 People (Not for Publication)
v.
Worrall

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B155844 People (Not for Publication)
v.
Palacio

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B147677 People (Not for Publication)
v.
Lattier

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

DIVISION EIGHT (Continued)

B152073 People v. Beasley (Certified for Publication)
B160513 In re Jermaine N. Beasley on Habeas Corpus.

The petition for writ of habeas corpus is denied. The judgment is reversed as to misdemeanor convictions in counts 3, 5, 7, 9, and 11. Judgment is further modified: counts 8 and 10 are modified to reflect a conviction of battery against a cohabitant in violation of Penal Code section 243, subdivision (e) (1); and counts 19 and 21 are modified to reflect a conviction of assault in violation of Penal Code section 240. Sentence is vacated. In all other respects, the judgment is affirmed, and the cause is remanded for resentencing on the modified counts.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.